

REMARKS/ARGUMENTS

Claims 1-6 and 8-21 are currently pending. Applicants have amended claims 1 and 19-21, and have canceled claim 11 and 15. Applicants submit that no new matter has been added to the application as a result of these amendments.

Claims 1-6 and 8-21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,882,517 to Dotan (hereinafter "Dotan") in view of U.S. Patent No. 5,123,045 to Ostrovsky, et al. (hereinafter "Ostrovsky").

Reconsideration in view of the foregoing amendments and the following remarks is respectfully requested.

Rejections under 35 U.S.C. §103(a)

Claims 1-6 and 8-21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Dotan in view of Ostrovsky.

Solely in order to expedite prosecution, Applicants have amended independent claims 1 and 19-21 to include features formerly recited in claims 11 and 15, and Applicants submit that even if Dotan and Ostrovsky could be combined as suggested in the Office Action, the combination fails to disclose or suggest all of the features recited in claims 1 and 19-21. For example, claim 1 recites, in part, that "the at least one remedial measure comprises determining a storage location associated with suspected executable code in the computer system and moving suspected executable code to a specified storage location for later evaluation." Applicants submit that neither Dotan nor Ostrovsky teach this feature of claim 1.

The Examiner relied upon col. 4, lines 57-64 to teach this feature of claim 1. However, the cited portion of Dotan merely describes generating an alarm signal if the final state of a program does not match the initial state of the program, and that after the alarm is generated a backup and restore technique may be invoked to restore the infected program to its initial state. See Dotan, col. 4, lines 57-64. The cited portion of Dotan does not disclose determining a storage location associated with a suspected executable code as recited in claim 1. In Dotan, the method for detecting an infection in a program is invoked each time that an executable program

is launched by a user or by another program. The user or the other program select the executable program to be launched, and the program is read from the computer's hard drive into memory. There is no consideration of determining a storage location associated with suspected executable code as recited in claim 1, because the program information is already loaded into memory prior to invoking the method disclosed in Dotan. Furthermore, Dotan merely describes restoring the state of a program to its initial state. Dotan neither teaches nor suggests quarantining suspected executable code in a specified storage location so that the suspected executable code can be later evaluated. See Specification at ¶ [0038].

For at least the reasons provided, the combination of Dotan and Ostrovsky fails to disclose or suggest all of the features recited in claim 1. Claims 19-21 should be allowable for similar reasons as claim 1. Furthermore, dependent claims 2-6, 8-10, and 12-18 should also be in condition for allowance at least due to their dependence from claim 1.

Accordingly, withdrawal of the rejection of claims 1-6, 8-10, and 12-18 under 35 U.S.C. §103(a) is respectfully requested.

Appl. No. 10/808,260
Amdt. dated December 8, 2008
Amendment under 37 CFR 1.116 Expedited Procedure
Examining Group 2434

PATENT

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 858-350-6100.

Respectfully submitted,



Jeffrey S. King
Reg. No. 58,791

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 858-350-6100
Fax: 415-576-0300
Attachments
JSK:s6c
61689714 v1